

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 00-6309-CR-SEITZ(S)

**NIGHT BOX
FILED**
JUL - 3 2001
CLARENCE MADDOX
CLERK, USDC / SDFL / MIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSEPH SPITALERI,

Defendant.
_____ /

**GOVERNMENT'S UNOPPOSED MOTION
TO CONTINUE SENTENCING DATE**

The United States of America, through its undersigned attorneys, respectfully files the Unopposed Motion to Continue Sentencing Date for the reasons set forth below:

1. On June 4, 2001, the defendant entered a plea of guilty to Count one of the superseding indictment of conspiring to violate RICO in violation of Title 18, United States Code, Section 1962(d). The government agreed to dismiss the remaining counts of the indictment at the sentencing hearing. The Court set the sentencing for August 13, 2001.

2. On June 21, 2001, the defendant was scheduled to be sentenced by United States District Judge William Zloch. That sentencing, however, was continued at the request of the government and defendant to enable the defendant to testify in another criminal case that is scheduled for fall 2001, before United District Judge Paul C. Huck. Moreover, the defendant is also assisting this office and local law enforcement in other pending investigations.

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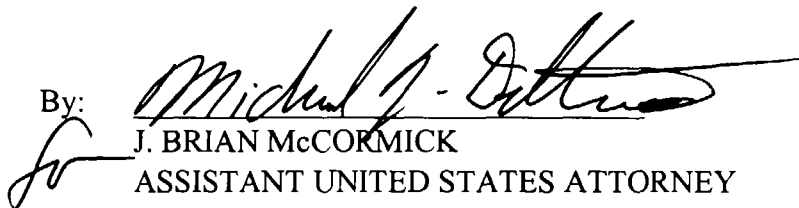
3. The government respectfully requests that the Court continue the defendant's sentencing date until after the trial of the remaining defendants, which is scheduled for February 2001. This will enable the government to properly advise the Court of the full nature and extent of the cooperation rendered by the defendant prior to sentencing.

Wherefore, for the reasons set forth herein, the government respectfully requests that the Court continue the sentencing date of the defendant until after the trial of the remaining defendants.

Respectfully submitted,

GUY E. LEWIS
UNITED STATES ATTORNEY

By:


A handwritten signature in black ink, appearing to read "Michael J. McCormick", is written over a horizontal line. To the left of the signature, the word "By:" is printed.

J. BRIAN McCORMICK
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CERTIFICATE OF SERVICE

I HEREBY certify that a true and correct copy of the foregoing was mailed this 2 day
of July, 2001 to:

Brian H. Bieber, Esq.
2600 Douglas Rd., Penthouse 1
Coral Gables, FL 33134


J. BRIAN McCORMICK
Assistant United States Attorney